Previous references.

File No 277—04

Serial Nos 4—5

1905:

(Municipal)

Later references

167—05

Ref 24 - 2.5 - 3.5 & 9"

mpl 106-15 4416
Ref 13-17 secrets ref)

GENERAL AND REVENUE SECRETARIAT.

mc 3-29 sec 72 & 77
Sit 319 30-1-2

Serial Nos 4—5

Part B for June 1905

SUBJECT

Bye-Laws" framed under Section 39(1)C of Regulation III of 1903.

FILE No. MI 277 of 1904-05.

"Bye-laws" framed under Section 39 (1)(c) of Regulation III of 1903

4 From the Chairman, Mysore City Trust Board, No. 230, dated 6th March 1905
States that the "Draft Bye-laws" framed under Section 39(1)(c) of Regulation III of 1903, have been published in 3 issues of the *Mysore Gazette*, as laid down in Section 39 (2) of the said Regulation, and requests early sanction to the said Bye-laws

5 From the Secretary, General and Revenue Department, No 11343, dated 10th June 1905
States for reasons given, that the Draft Bye-laws submitted are open to objection in several particulars, and require submission before they can receive the sanction of Government.

G R S. 11[redacted] 1904 5

GENERAL AND REVENUE SECRETARIAT

(Municipal)

NOTES

File No 277

File Heading

Bye laws framed under Sec 39(1) cl 7 Regn of 1903 defining the privileges to which the officials of the Trust other than Govt servants lent to the Board, are entitled, the powers of the Chairman

From The Chairman of the Mysore City Improvement Trust Board

No 230 Dated 6 3 1905 Received 8 3 1905

Diary No 6015 Enclos 1 Spare Copies 5 Serial No 4

Brief Abstract of Letter

Requests sanction to the bye laws which have been published in three successive issues of the Gazette

NOTES AND ORDERS

Bye-law II This bye law makes it obligatory on the Govt to provide for persons who have put in 5 years uninterrupted service. If no appointments can be found for them, they will have to be paid gratuity under the Service Regula

Notes—First sheet.

MCGPB—50 000—17 2 05

GRS 12]
General and Revenue Secretariat

Inl File No 277 of 1904 S

Serial No

2 Bye Law IV (4) The advances granted under article 194 of the Service Regulations are final establishment charges and therefore cannot be recovered by instalments as proposed

Supt

3 Bye Law IV (1), (2), (3) & (6) may These may be referred to the ~~Chief Engineer~~ Secy to Govt P.W.D for opinion.

4 The opinion of the Comptroller also may be obtained on these bye laws

Submitted for orders

HGH 23/3/1905

Inoffl Reg No 15 the 23/3/05 21/3/05

5 Forwarded to the Comptroller for favor of opinion 23.3.05

[COMPTROLLER'S OFFICE MAR 23 1905]

No 114 dy 24/3/05 Secy to Govt

6 I am afraid the rules and Byelaws must be much somewhat changed before they can be passed I do not quite understand their scope.

I Why should the rules applicable to Permanent appeals be made applicable to Temporary appeals of the Board The explanation could be that Temporary appeals of the Board units

MG(M)B—20 000—

G R S 12]
General and Revenue Secretariat

Pol File No 277 of 1904 5

Serial No

be eligible for the same privileges to which they would be entitled under the Regulations if they had been employed directly under Govt under the same conditions of service.

8 II. I doubt whether it is fair to tie the hands of Govt by legislation in this way. I can quite understand that by the provision and promise of permanent employment, a better class of men might be obtained & a great incentive to good work would be held out but then the real cost of the work is not charged to the City Improvement. It is much better to pay these men higher rates of pay during their temporary employment than bind Govt to find permanent employment for them. The utmost that can be provided for in the Bye laws is that if the men can secure permanent appointment under Govt after their 5 years' temporary service, then subject to special sanction of Govt the temporary service might be declared qualifying.

9 If Govt desires to give any such

ORM—Contn sheet

MGCPB 50 000—17 2 05

Serial No

promise as indicated here it [illegible] should be [illegible] general Resolution and [illegible] as far as possible, and not [illegible] means of legislation.

See 35(2) & 36(c) of the City of Delhi Regulation

10 It would be awkward to allow a Created Trust to make bye laws binding the Govt to do certain things.

11 III. If the appointments are temporary I do not see why the gratuity should be promised Here also a Resolution only should be issued stating that in the case of very good work special concessions would be recommended to Govt.

seems like to put only the bye laws to what the will do

12 IV (2) This seems like a very large order P. WD should advise

13 IV (4) This is inadmissible An advance of pay might be made if admissible to similar employes under Govt but subject to adjustment as provided for in the Regulations.

14 IV (5). I do not understand this

15 IV (6) This should be cleared up. The nature work within a small area and the circumstances in which advances are required should be explained. In any case, "12 monthly instalments" is out of the question

MCLB—20 000—1 1 04

Secretary.

29 3 05

GRS 12]
General and Revenue Secretariat

Ind File No 277 of 1904 5

Serial No

15 ~~Secy~~ Surgeon Genl has forwarded to the Secretary to Govt in the P W D for opinion w^r to reference to para 30 of the Rule laid for orders

H C M Dy
26/3/1905

28/3/05
W B 2nd Offl Reg No 1001/29-3-05
forwarded to the Secy to Govt in the P W D for favor of opinion

28/3/1905
Colonel Asst to the Genl Offr Comdg the Forces

2nd Offl No 31/P W D/30/3/05

17 returned to the Secy to Govt in the Finc & Revn Deptt, with the following observations on the case II, framed under provisions of section 37 (1c & 3) of Regulation III of 1903

II (a) as the power of the Chairman of the Board to sanction original Estimates not above specified in the Land Regulations and as under section 18 (2) (b) the Board is empowered to sanction alterations not exceeding Rs 2500, the Board may be invested with the power now proposed under this clause, the Chairman having to indicate sanctioning authority —

IV 6 Dw 13/4/05

MGCPB 50 000—17 2 05

G.E.S. 12]
General and Revenue Secretariat.

Ind File No 277 of 1904-5

Serial No

II. (2) The amount may be limited to Rs 200/- in each case this being the power of sanction given to Engineers in the P.W.D

(3) This may be approved

(4) Advances sanctioned to members of Staff on account of privilege leave are subject to recovery by instalments they should be adjusted as provided for in the Imperial Service Regulations

(5) This seems unnecessary, as the operations are confined to a limited area. Special sanction of Govt should be applied for & obtained in each case

(6) This is quite unnecessary & in special cases, sanction of Govt should be obtained —

W. W. Hutchinson
Secy to the Govt of Assam
P.W. Dept.

Shillong
12/4/05

Ind
15/4/05

NOTE.—Contin sheet.

G.E.S. 12]

General and Revenue Secretariat.

Ind File No 277 of 1904-05

Serial No

18 Submitted for orders. (Council matter)
Bell Secy
15-4-'05. with a statement showing an
juste position the proposed Bye-laws
with the opinions of the Comptroller
& the Chief Engineer.

PB
24/4/05

R. Issued
Asstt
22.4.'05

~~Submitted to Secretary~~

19 To Branch III for check
24-4-'05

Jr Branch
Asst 20 The ~~Chief Engineer~~ is a financial one, and
25/4/05 I have no useful remarks to offer.
MK 25/4/05

To Branch IV 21. Your opinion was asked if the wording
Asst 25/4/05 of the proposed bye laws was all right. I am sorry to give you
PB 25/4/1905
this trouble.

22. I have made a very few changes in the wording, which however seems passable.
MK 25/4/05

23 Submitted to the Secretary to the Commissioner
25/4/1905

2472
25-4-05
Copy.

24. I have called my remarks & opinion on the

Note—Contd sheet.

G R.S 12]
General and Revenue
Secretariat

Ind File No 277 of 1904-5

Serial
No

Office Statement (Vide copy attached to this Note) A

29/4/05-

MGGPB—50,000—17 2 0,

Jul F No 2779 1902 05-

Copy of First Councillor's Note on the draft Bye Laws submitted by the Chairman of the Mysore Improvement Trust Board -

------ o ------

Bye Law No I. "Such other matters as are specially dealt with in those Regulations" is very vague. "Pensions and gratuities" have been rightly excluded. It seems sufficient to extend to these temporary men the Rules regarding the grant of leave and leave allowances applicable to permanent officials.

Bye Law No II I am afraid this cannot be sanctioned I would modify it somewhat as follows -

"Such of the temporary officials of the "Mysore City Improvement Trust Board as ma "during their emplo ment as such, secure "permanent appointmen s in Government "service, shall be entitled to have their "temporary service reckoned as permanent "service for the purposes of the Service "Regulations, provided such temporary "service shall have been of an approved "character "

Bye Law No III This again is open to serious objection Without making an reference to the period of service I would sa

"Temporary officials of the Mysore C t "Improvement Trust Board shall, when their

Jul 7 No 2779 1902-5

"temporary services are dispensed with, be "granted, at the discretion of Government, "a gratuity not exceeding one month's pay "for every year of their approved service."

Bye Laws IV (1), (2) and (3).

Bye Laws IV (1), (2) and (3) relate to quite a different matter from the matters dealt with in the other Bye Laws under consideration. The latter are being framed under Section 39 (c), while the former, if at all, can only come under Section 39 (f) These may be separately dealt with after calling for the opinion of the Board on the suggestions made by the Chief Engineer

Bye Law IV (4) This is certainly inadmissible I would substitute

"The provisions of Article 194 of the "Mysore Service Regulations shall apply to "all officials in the employment of the "Mysore City Improvement Trust Board, "whether holding permanent or temporary "appointments "

Bye Law IV (5) This is as unintelligible to me as to the Comptroller and the Chief Engineer In the absence of further explanation and of a clear demonstration of the need said to exist, this Bye Law cannot be sanctioned be left out

Bye Law IV (6) This is an extraordinary and most unusual concession and cannot be sanctioned.

Intl Fy No 277 of 1904-05

3.

General Remarks -

The Board are entitled to make Bye Laws for certain purposes, and among them for those referred to in Clause (c) of Section 39. Government cannot therefore tell them that none need be framed. When the Bye Laws as revised and sanctioned by Government, become Rules having the force of law, they can, if necessary, be embodied in the Service Regulations.

26 My remarks above show that Bye Law No: I has to be altered, and Bye Laws II, III and IV (4) entirely recast, while Bye Laws IV (1), (2) and (3) have to be remitted for reconsideration, and Bye Laws IV (5) and (6) disapproved.

"Signed" C.Sreenivasiengar,

29/4/05.

[illegible] 30/4/05

6250 / 30/4/05

27 I agree with the [illegible] that [illegible] the tools & plant may be bought or ordered to be manufactured at a cost of 200 Rupees. Bye Laws may be framed and sent up for sanction then I suppose. Objections may be pointed out in detail [illegible] sanction refused. A detailed draft order may be issued or draft order alone be submitted through the Collector.

[illegible] 2.5.05

[illegible] the Board [illegible] [illegible] 4.5.05

G.R S 12]
General and Revenue Secretariat

Ind File No 277 of 1904-5

Serial No 28

Draft-cons^d in consultation with the Dy: Legl
7 5 1905

29 Draft order is submitted
13 5 1905 [illegible]
17/5/05

30 I have touched up the draft which may now be sent to the Legl with a clean copy.
18/5/05

31 Draft submitted & the clean sheet thro the 1st Councillor
19.5.1905

2646
25-5-1905

32 The revised draft seems suitable and may be issued -
26/5/05.
26-5-1905

6812/6/11

33. Draft approved by the Secy on 29 5 05
34. Issue. Sd/ BKN 30 5 1905

5. To the Clearance of the H.H. Jurisdiction Gen 240 113438 to 6 05
states, for reasons given, that the Legl. laws in question [illegible] are open to objection in several particulars & require revision before they can receive the sanction of Govt.

Note—Continued on next sheet

MGOPS—10,000—172-0-

D6645 Dwk F: 277-24-(4)

OFFICE OF THE CHAIRMAN OF THE BOARD OF TRUSTEES,
FOR THE IMPROVEMENTS OF THE CITY OF MYSORE

Re 230
Encl 6 pamphlets

Mysore, Dated, 6th March 1905

FROM

D.Sitarama Rao Esq.,
Chairman of the Board of Trustees,
Mysore City Improvements.

To

B.K.Venkatavarada Iyengar Esq.,
Secretary to the Govt. of H.H. the Maharaja of
Mysore, General & Revenue Departments.

Sir,

The "Draft Bye laws" defining the privileges of the temporary Officials under the Trust Board, and the powers of the Chairman as approved by the Board, having been published in three issues of the Mysore Gazette as laid down in Sec.39(2) of Reg.III of 1903, I have the honor to request the favor of early sanction for the same.

2. Six printed spare copies of the "Bye-Laws" are now submitted for reference. A copy of the Trust Board's resolution No.I of the 25th January 1905, on the subject matter has already been sent with this office letter No.208 of the 27th January 1905, for information.

I have the honor to be,
Sir,
Your most obedient servant,

Chairman.

B.R.

And F. 277-Re (4)

"BYE LAWS" FRAMED UNDER PROVISIONS OF SECTION 39 (1c AND 2) OF REGULATION III OF 1903

I That the provisions of the Mysore Service Regulations shall so far as they are applicable to permanent officials, and subject to the orders that may be passed in this behalf by Government from time to time, be applied in dealing with applications from temporary officials for the grant of leave, leave allowances and such other matters as are specially dealt with by those Regulations.

II. That such officials as are now entertained in the Mysore City Improvement Trust Board but do not hold permanent appointments in other branches of the Mysore service, shall on their completing a continuous and uninterrupted approved service of 5 years and upwards, and on the special recommendation of the Board be considered subject to the special sanction of Government, as having been in permanent employ under the Mysore Government and otherwise provided for

III That such of the officials as whose services shall have to be dispensed with before the completion of 5 years owing to the reduction of establishment on the dissolution of the Board, or for any other reasons in the interests of Government, shall, at the discretion of the Board be entitled, subject to the special orders of Government, to a gratuity not exceeding one month's pay for every year's approved service

IV. That the Chairman shall, subject to the provisions of the Mysore City Improvement Regulation, and orders that may be passed from time to time by Government in this behalf, be invested with the powers specified below in addition to those laid down in the City Improvement Regulation No III of 1903.

Powers

(1) To sanction supplementary and revised estimates for works when the excess is not more than 10 per cent on the original sanctioned estimate or more than Rs 2,500 on the whole.

(2) To sanction the purchase and manufacture of tools and plant and office furniture to the extent of Rs. 500 in each case and the repairs of the same

(3) To dispose of tools and plant and office furniture rendered unfit for use and to settle cases involving losses of tools and plant

(4) To sanction advance to any member of the establishment on privilege leave under Article 194 of the Mysore Service Regulations, to be recovered in three monthly instalments.

(5) To sanction *bona fide* expenses incurred by members of the establishment of the Board, under proper authority

(6) To sanction advance of one months' pay to upper and lower subordinates and also to petty establishment to enable them to purchase travelling equipage on the first occasion of his requiring such, to be recovered in 12 monthly instalments.

D. SITARAMA RAO, *Chairman.*

15/6

Read:-

Correspondence ending with letter No.230 dated the 5th March 1905 from the Chairman of the Board of Trustees for the Improvement of the City of Mysore, submitting for sanction, a set of Bye-laws framed by the Board under section 39 (1.c& f) of RegulationIII of 1903 defining the privileges of the temporary offi-cials under the Board, and the powers of the Chairman in certain matters.

SF 10/6/05.

Order thereon No 11343 Jud (277-04)—5

As regards Bye-law No.I, Government do not see the necessity for extending to the temporary officials of the Board the provisions of the Mysore Service Regulations appli-cable to the permanent officialas under Government. It seems sufficient if the temporary officials of the Board are given the same privileges, to which they would be entitled under the Mysore Service Regulations, if they had been employed directly under Government under the same conditions of service.

2. Bye-law No.II in re finding

ing

finding employment in the permanent service of Government for persons who have put in 5 years service under the Board cannot be mentioned, the utmost that can be provided for in such cases being that such of the temporary offi-cials of the Board as may,during their employment as such, secure permanent appointments in Govt service shall, subject to the special sanction of Go-vernment, be entitled to have their temporary service reckoned as perma-nent service for the purposes of the Civil Service Regulations, provided their temporary service shall have been of an approved character.

3. A general rule such as that embodied in Bye-Law No.III in regard to the grant of gratuity tothe temporary officials,whose services may have to be dispensed with, is unnecessary and open to objection. Each individual case should be dealt with on its merits under the special orders of Govt.

4. Bye-Law No.IV relates to quite a different matter from those dealt with in the preceding bye-laws,and it should have been made the subject of a separate reference . As regards Bye-Law No.III, it is observed that Regulation III of 1907 does not empower the Govern-ment to sanction estimates for works.

Under

Under section 18(2) of the said Regu-lation it is the Board of Trustees that are empowered to sanction alterations in the sanctioned scheme, hence the power to sanction supplementary and revised estimates involving extra expenditure not exceeding Rs.2,500 can only be exercised by the Board.

5. Items (2) and (3) of Bye-law IV. The Chairman may, buy tools and plant or order them to be manufactured at a cost of Rs.200 in each case, as in the P.W.D. Departt, and may also dispose of tools and plant and office furniture rendered unfit for use and settle cases involving losses of tools and plant.

6 Bye-law IV(4). As the advances made under article 194 of the Service Regulations are final charges they should be adjusted as provided for in the Regulations. They cannot therefore be recovered by instalments.

7. Bye-law IV(5), under which power to sanction bona fide expenses incurred by the officials of the Board under proper authority is proposed to be exercised by the Chairman, is unintelligible and in the absence of proper explanation cannot

be

be accepted.

8. The concession embodied in Bye-law No.IV(6), regarding advances of a month's pay to outdoor subordinates to enable them to purchase travelling equipage, subject to its recovery by 12 monthly instalments is ~~a most unusual and~~ an unnecessary concession, as the operations of the Board are confined to a limited area ~~and it cannot therefore be sanctioned~~. In special cases, Government sanction may be applied for and obtained for the grant of such advances.

9. It will be seen from the preceding remarks that the Draft Bye-laws submitted are open to objection in several particulars and require revision before they can receive the sanction of Government.

Nov 15.5.1905 (Fair draft)

Secretary.

Sd/ 13/11/5/05

To

The Chairman of the Board of Trustees
for the improvement of the City
of Mysore.

Jp Files 6-6
Comp 0417/6